

NOTICE OF PUBLIC HEARING

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

PROPOSED AMENDMENTS TO REGULATION 8: ORGANIC COMPOUNDS, RULE 2, MISCELLANEOUS OPERATIONS; and APPROVAL OF THE FILING OF A NOTICE OF EXEMPTION FROM CEQA

Notice is hereby given that the Board of Directors of the Bay Area Air Quality Management District will conduct a public hearing on April 6, 2022, in the first floor Board Room, 375 Beale Street, San Francisco, California, at 8:30 a.m., or as soon thereafter as the matter may be heard, to consider adoption of amendments to Regulation 8: Organic Compounds, Rule 2: Miscellaneous Operations (Rule 8-2) and to approve the filing of a Notice of Exemption from the California Environmental Quality Act (CEQA).

Rule 8-2 was adopted January 1, 1980, and most recently amended at a Public Hearing by the Board of Directors on July 20, 2005. The rule contains an emissions standard that prohibits atmospheric discharges of organic compounds from miscellaneous operations containing more than 15 pounds (6.8 kilograms) per day and containing a concentration of more than 300 parts per million total carbon on a dry basis. The rule defines total carbon such that it excludes methane, and further defines miscellaneous operations as any operation other than those limited by other Rules of Regulation 8, Rules of Regulation 10, or Rule 12 of Regulation 12.

The proposed amendments to Rule 8-2 would add to the list of other operations not meeting the definition of miscellaneous operations those limited by Section 301 of Regulation 13: Climate Pollutants, Rule 5: Industrial Hydrogen Plants (Rule 13-5), which is also being considered by the Board of Directors at the April 6, 2022 public hearing. This would have the effect of excluding those operations from Rule 8-2. Proposed Rule 13-5, section 301 contains a total organic compound (organic compounds including methane by definition) standard equal to that found in Rule 8-2 (15 pounds per day and 300 ppm). This proposed standard in Rule 13-5 is at least as stringent as that found in Rule 8-2, because it limits total organic compounds (methane and other organic compounds) to the same levels found in 8-2 for total carbon (organic compounds excluding methane). Further proposed amendments would add language to the Manual of Procedures section of the Rule to allow other approved test methods for operations processing non-petroleum-based feedstocks. This amendment is consistent with recent amendments made to Air District rules and regulations associated with or referencing refineries.

Pursuant to CEQA, the Air District has concluded that the proposed amendments to Rule 8-2 related to proposed Rule 13-5 are exempt under CEQA guidelines Section 15308, Class 8. Class 8 exemptions consist of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protections of the environment where the regulatory process involves procedures for the protection of the environment. These rule amendments would exclude from Rule 8-2 certain facilities that would be subject to the more stringent standards of Proposed Rule 13-5 and would therefore be protective of the environment. For the same reasons, the rulemaking is also exempt from CEQA pursuant to the common sense exemption described in CEQA Guidelines Section 15061(b)(3), because it is certain the project will not have a significant effect on the environment. Similarly, the amendments to the Manual of Procedures section of Rule 8-2 simply allow the use of approved alternative test procedures and are also exempt from CEQA pursuant to the common sense exemption. Air District Staff will file a Notice of Exemption with the County Clerk after adoption by the Board of Directors.

A hearing notice and the proposed amended rule will be available on the District's web site at www.baaqmd.gov/rulehearings, or by request, at least 30 days before the public hearing. Questions, comments, or requests for copies of the proposed rules should be directed to Victor Douglas at (415) 749-4752, or via e-mail to vdouglas@baaqmd.gov.

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Executive Officer
Bay Area Air Quality Management District